

**BEFORE THE GOVERNING BOARD OF THE
SIERRA SANDS UNIFIED SCHOOL DISTRICT OF
KERN COUNTY, CALIFORNIA**

In the Matter of Instituting By-Trustee
Area Elections in Single-Member
Trustee Areas Consistent with the
Purposes of the California Voting
Rights Act

RESOLUTION #11 2324

A Resolution by the Governing Board
Stating its Intent to Initiate a Change
of its Election System to By-Trustee
Area Elections in Single-Member
Trustee Areas

RECITALS

1. California Education Code sections 5019(a), 5019(c)(1) and 5030 authorize the Kern County Committee on School District Organization (“County Committee”), upon application of a school district’s governing board, to change the method of election in a school district under its jurisdiction; and
2. Members of the Board of Trustees of the Sierra Sands Unified School District (“School District” or “District”) are currently elected in “at-large” elections, i.e., elections in which “each governing board member [is] elected by the registered voters of the entire school district” [Education Code section 5030(a)]; and
3. The at-large system has resulted in fair and open elections; no one has demanded that the District change its method of election; and
4. It is, however, the considered view of the Board of Trustees that the public interest may also be well-served by election of its governing board members in “by-trustee area” elections, i.e., elections in which “one or more members residing in each trustee area [is] elected by the registered voters of that particular trustee area [.]” [Education Code section 5030(b)]; and
5. The Board of Trustees believes that by-trustee area elections may enhance the ability of a greater number of candidates to run for seats on the Board of Trustees by eliminating the costs associated with running for election district-wide; and
6. The Board of Trustees believes that by-trustee area elections may make it easier for Trustees to get to know their constituents and for constituents to get to know their Trustees; and
7. Additionally, at-large electoral systems like the one currently used by the District are subject to challenge under the California Voting Rights Act, Elections Code sections

14025-14032 (“CVRA”); in contrast, by-trustee area elections are not subject to challenge under the CVRA; and

8. CVRA litigation is very costly to defend; and

9. A successful plaintiff under the CVRA will typically be entitled to reasonable attorneys’ fees, creating great financial risk to any jurisdiction sued; jurisdictions sued under the CVRA have been forced to pay high attorneys’ fee claims to plaintiffs’ counsel, as well as paying their own attorneys; and

10. The District does not wish to risk costly litigation; and

11. If the County Committee approves this request to change the method of electing board members, Education Code section 5020(a)(2) exempts the County Committee from the obligation to submit its Resolution approving the change to the electorate because the change is being made in furtherance of the purposes of the CVRA, which exempts by-trustee area electoral systems from liability under that Act; and

12. It is the intent of the Board of Trustees to change to single-member trustee areas for election of its members by trustee area; and

13. It is the intent of the Board of Trustees that the change to single-member trustee areas be implemented for the earliest possible election consistent with Education Code section 5020(a)(2); and

14. The adoption of by-trustee area elections will not affect the terms of any sitting Trustee, each of whom will serve out his or her current term; and

15. Elections Code section 10010 sets forth a process for the transition to single-member trustee areas and requires that the Board of Trustees set forth in this Resolution the specific steps it will undertake to facilitate this transition and an estimated timeframe for doing so.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The above Recitals are true and correct.

B. The Board of Trustees hereby states its intent to transition to by-trustee area elections in single-member trustee areas.

C. The Board of Trustees hereby adopts the proposed timeline of the specific steps it will undertake to facilitate the transition, attached hereto as Exhibit A and incorporated herein by this reference.

D. The Board of Trustees will complete the process prescribed by Elections Code section 10010 within 90 days of passage of this Resolution.

E. The Board of Trustees shall apply to the County Committee for establishment of single-member, by-trustee area elections pursuant to Education Code section 5019(a) and 5019(c)(1).

F. The Superintendent is directed to retain appropriate consultants, including a demographer, to support the Board of Trustees during the process of changing to by-trustee area elections in single-member trustee areas.


G. The Superintendent shall send a copy of this Resolution to the County Committee on School District Organization.

H. The Superintendent shall consult with legal counsel to resolve all legal issues necessary to give effect to this Resolution.

THE FOREGOING RESOLUTION was adopted upon motion by Trustee Scott, seconded by Trustee Farris, at a special meeting held on October 24, 2023, by the following vote:

AYES: 5
NOES: 0
ABSENT: 0

DATED: 10/24/23



Bill Farris, President, Board of Trustees
Sierra Sands Unified School District

CERTIFICATION

I, Mike Scott, Clerk to the Board of Trustees of the Sierra Sands Unified School District, certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meeting held on October 24, 2023.

DATED: 10/24/23



Mike Scott, Clerk, Board of Trustees
Sierra Sands Unified School District

EXHIBIT "A"

TENTATIVE TIMELINE FOR TRANSITION TO SINGLE-MEMBER TRUSTEE AREAS

Activity	Timing	Date
Resolve to Change to Single-Member Trustee Areas		October 24, 2023 @ 6:30
Two Public Hearings Before any Maps Are Drawn	No more than 30 days apart	October 30, 2023 @ 4:00 November 1, 2023 @ 5:00
Draft Maps and Election Rotation Published	7 days prior to 1 st public hearing	November 6, 2023
First Public Hearings on Draft Maps		November 16, 2023 @ 7:00 (Regular Board Meeting)
Second Public Hearings on Draft Maps		November 17, 2023 @ 12:00
Final Public Hearing to Adopt Single-Member Trustee Area Plan Resolution to adopt final map	At least 7 days after any changes to map proposed for adoption	December 4, 2023 @ 6:30 (Special Board Meeting)
90 days from Resolution to Change		January 22, 2024
County Committee Proceedings		December 2023, exact date TBD

Initial meeting, five public hearings, county committee meeting